



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW MCDERMOTT,

: Plaintiff,

: - against -

THIS DOG'S LIFE CORP.,

: Defendant.

: 23-CV-05869 (PAE) (RWL)

: ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On October 21, 2024, Defendant filed a motion to compel non-party Polaris Images Corp. ("Polaris") to comply with a subpoena (the "Subpoena") issued to Polaris on August 27, 2024. (See Dkt. 63.) On November 4, 2024, the Court issued an order (the "Order") instructing Polaris that if it wished to be heard on the motion to compel, it must appear by counsel by November 19, 2024, and that failure to appear may result in granting the motion to compel for that reason alone. (See Dkt. 66.) Defendant filed an affidavit of service averring that the Defendant served the Order on Polaris's principal on November 6, 2024, as directed by the Court. No counsel for Polaris has appeared in the case. Accordingly, the Court will resolve the motion to compel.

The Court has reviewed the motion and supporting papers, and finds that the Subpoena and motion to compel were properly served on Polaris; that the discovery sought is relevant and proportional to the needs of the case; that Polaris, through its principal JP Pappis, is fully aware of the Subpoena and the motion to compel; that Polaris has waived any objections to the subpoena; and that the motion to compel should be granted.

Accordingly, Defendant's motion to compel Polaris to comply with the Subpoena is GRANTED. Polaris shall fully comply with the Subpoena by **December 9, 2024**. By November 25, 2024, Defendant shall serve a copy of this order by email to Mr. JP Pappis and via overnight mail, and shall file proof of service of same by November 27, 2024.

The Clerk of Court is directed to terminate the motion at Dkt. 63.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 21, 2024
New York, New York

Copies transmitted this date to all counsel of record.